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ARTICLE: Cultural Competence and the Legal Profession: An Annotated Bibliography of Materials Published Between 2000 and 2011

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* (c) Annette Demers, June, 2011. Annette Demers is a reference librarian at the University of Windsor's Paul Martin Law Library. The author extends her sincere gratitude to Ms. Kemala Vranjes for her invaluable research contributions to this article.

LEXISNEXIS SUMMARY:

... This area of scholarship goes by many titles, including: cross-cultural communications, cultural competence, cultural awareness, cultural sensitivity, cultural intelligence, intercultural communications, cultural literacy, cross-cultural competence and cross-cultural studies. ... The author raises concerns about the whiteness of the legal profession, the legal education system and the LSATs in the United States, and she suggests that reforms to the legal education system are needed in order to foster diversity within the legal profession, which is an important part of ensuring access to justice for racial minorities. ... The author describes her personal experiences working at an asylum clinic, and then sets out an overview of asylum law, a description of asylum applicants, and barriers to student-client communication. ... The authors argue that law schools should play an integral role in teaching students cultural competence. ... Chapter 6 in this text provides practicing lawyers with a system of habits that they can develop which help them to be more culturally aware when working with individual clients in five distinct areas: assessing differences between lawyer and client; creating an overview of the case which integrates the client's, the lawyer's and the law's cultural understandings; understanding, in a non-judgmental way, the client's behaviour in their particular cultural context; improving communication; and continuous improvement and learning. ... The article then identifies skills necessary to help lawyers improve their interactions with persons from different cultures. --, 'Change is Pain': Ethical Legal Discourse and Cultural Competence, 8 LEGAL ETHICS 55 (2005). ... This article explores the concept that law school clinics can teach law students about disabilities and build unique skills in new lawyers by helping parents from marginalized groups enforce their children's rights under the US Individuals with Disabilities Education Act.

TEXT:

[*22] "...it is both impressive and effective to understand the culture in which you are doing business and demonstrating that understanding to clients. 'There are cultural sensitivities even when you are dealing domestically,' said Neena Gupta, a partner with Gowlings in Waterloo who heads up the firm's India Practice Group. Such cultural skills - speaking another language, being familiar with another culture, having lived outside Canada - while often acknowledged as softer skills are still seen as an enhancement to core legal skills. 'We are conscious of the fact that a candidate with linguistic ability and global awareness does bring something to the table that others do not,' said Gupta. That something is very good for the business of law." n1

"I drew up the memorandum of understanding, flew overseas and went to the National Oil Company office the next day to close the deal. I was surprised to be kept waiting for over an hour, and even more surprised to learn the NOC official would not even discuss, much less sign, the MOU I had faxed for review the week before. To my amazement, he said he thought our proposal was presumptuous, arrogant

and abusive! The MOU was based on our standard form, and included a widely accepted economic formula. And I had heard nothing at all since faxing it about any problems! But we had not done our cross-cultural homework. My client ended up withdrawing [*23] from that country, emphasizing to me the importance of understanding cultural differences before preparing the paperwork." n2

The 21st century world of business requires professionals to be aware of the world around them. An essential aspect of professionalism in today's society includes an awareness of, and appreciation for the unique talents, perspectives, communication patterns and practices of the various cultures that we encounter.

As a result of increasing globalization, an entire field of study has emerged in this area. This area of scholarship goes by many titles, including: cross-cultural communications, cultural competence, cultural awareness, cultural sensitivity, cultural intelligence, intercultural communications, cultural literacy, cross-cultural competence and cross-cultural studies.

In many professions, cultural competence is recognized as an important aspect of professional development. Today, scholars in the area of business, education, nursing and social work are all expanding their understanding of cultural competence, and seeking to build cultural competence in their professionals.

As noted in the quote at the start of this piece, the legal profession is starting to take notice of this area of study as well. The purpose of this paper is to provide users, professionals and educators with a list of articles and books on this emerging area of professional development for the legal profession. This bibliography also provides descriptions of articles and books about cultural competence and the legal profession, which have been published in Canada, the United States, Australia and Europe in the past 15 years.

Since this is a fairly new and emerging area of scholarship, users are encouraged to also look at general resources on cultural competence, as well as scholarship from other professions in order to round out their research.

"Cultural Competence" Defined and Applied to Legal Professionals

[*24] D. W. Sue and Torino define cultural competence as:

the ability to engage in actions or create conditions that maximize the optimal development of the client and client systems. Multicultural counseling competence is achieved by the counselor's acquisition of awareness, knowledge, and skills needed to function effectively in a pluralistic democratic society (ability to communicate, interact, negotiate, and intervene on behalf of clients from diverse backgrounds) and on an organizational/societal level, advocating effectively to develop new theories, practices, policies, and organizational structures that are more responsive to all groups. n3

Is a lawyer's ethical responsibility to effectively represent his or her client, consistent with the definition of cultural competence as articulated above?

Rule 2 of the ethical code of the Law Society of Upper Canada is one example of a lawyer's professional responsibility to effectively represent his or her client. Rule 2 governs a lawyer's relationship with her client. This rule requires the lawyer to provide individualized service. It states that a competent lawyer is one who has and applies relevant skills, attributes, and values in a manner *appropriate to each matter undertaken on behalf of a client*. Lawyers are required to *ascertain client objectives* and to *advise the client on appropriate courses of action*. It also requires a lawyer to implement, as each matter requires, the chosen course of action through the application of appropriate skills, including negotiation, alternative dispute resolution and advocacy. Competence also includes: *communicating at all stages* of a matter in a timely and *effective manner that is appropriate* to the age and abilities of the client, and adapting to changing professional requirements, standards, techniques, and practices. n4

Thus, representing clients, understanding and communicating with them, and advocating on his or her behalf is a highly subjective matter which [*25] can be impacted by cultural differences. As the primary advocates in our society, lawyers and the professional associations which guide them should take cultural competence seriously. As outlined in the bibliography below, some scholars are beginning to pursue and expand this area of learning in its application to the legal profession.

Before perusing any particular article from this list, or before using it in the classroom, review this article: Piomelli, Ascanio. *Cross-Cultural Lawyering by the Book: The Latest Clinical Texts and a Sketch of a Future Agenda*, 4 Hastings Race & Poverty L.J. 131 (2006), which can help you to choose the most appropriate materials to learn and teach from.

An issue that is, in many ways, interwoven with cultural awareness, is the "cultural defense". As persons with diverse backgrounds make their way through the court system in the west, authors have begun to document those court cases in which judges have considered a person's cultural background in making culturally sensitive judicial decisions. n5 This bibliography does not include n6 articles which focus on the broader, more significant issue of how culture, race and gender impact on judicial decision-making and the justice system generally. Future works might consider whether western judicial systems may one day evolve to become true *justice* systems which are populated by culturally competent legal professionals and judges.

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[*26] **Instilling Cultural Competence through Legal Education**

Books

O'Donnell, Anthony. *DEVELOPING A CROSS-CULTURAL LAW CURRICULUM* (Sydney: Cavendish Publishing, 1997).

This is the only title identified which specifically addresses cross-cultural issues in the context of the law school curriculum. The book is written by authors from Australia, and is thus set in an Australian context. The authors take issue with the traditional law school curriculum, especially in light of a changing society, student body and law office clientele. The authors are very careful to point out the complexities involved in defining culture as a starting point for education in this area. Their primary focus is how cultures are represented through the law and legal encounters. The book provides concrete suggestions for how law school teachers can critically assess and improve their courses in order to build awareness of the social and cultural perspectives on the subject being taught. To assist law teachers, the core of the book provides a critical review of three subjects which are traditionally taught in law school: equity, torts and property. For each of these subjects, the authors propose: improvements to course objectives; examination / discussion questions and classroom activities; re-examining the racist, colonialist or gendered origins of related doctrines.

Costello, Carrie Yang. *PROFESSIONAL IDENTITY CRISIS: RACE, CLASS, GENDER AND SUCCESS AT PROFESSIONAL SCHOOLS* (Nashville: Vanderbilt University Press, 2005).

Articles

Anderson, Michelle J. *Legal Education Reform, Diversity and Access to Justice*, 61 RUTGERS L. REV. 1011 (2009).

This article provides a critical analysis of the legal education system in the United States. It begins by reiterating previous research which shows that racial minorities in the United States have disproportionate access to justice. The author raises concerns about the whiteness of the legal profession, the legal education system and the LSATs in the United States, and she suggests that reforms to the legal education system are needed in order to foster diversity within the legal profession, which is an important part [*27] of ensuring access to justice for racial minorities. The article provides critical analysis of three U.S. reports on the legal education system which came out over the past twenty years. n7 The author's central argument is that reforming the curriculum should not be the only concern of legal education reformers. In order to improve access to justice in the U.S., law schools must: provide access to a legal education for underrepresented people; provide learning opportunities other than the Socratic method, which will help to attract a variety of persons to the profession; provide an education which fosters social awareness in new graduates. The author suggests concrete strategies currently being employed at CUNY law school to improve legal education and ways to provide all law students with training necessary to deliver services to underrepresented communities.

Armstrong, Margalynne J. & Stephanie M. Wildman. *Teaching Race / Teaching Whiteness: Transforming Colorblindness to Color Insight*, 86 N.C. L. REV. 635 (2008).

The central theme of this article is that legal educators often overlook the role of whiteness in law school and as a normative foundation of the law itself. The author argues that identifying and understanding whiteness and the role it plays in the operation of the law, should be an essential component of legal education. The author provides a discussion about the barriers to discussing race and whiteness in the classroom, and provides suggestions for what legal educators and law schools can do to remedy this. Importantly, the author provides help to teachers about teaching these matters in the classroom, and in different types of law school classroom including large sections, Socratic-style classrooms and seminar classes. Suggestions for improving the law school's larger approach to these matters is also provided.

Bannai, Lorraine & Anne Enquist. *(Un)Examined Assumptions and (Un)Intended Messages: Teaching Students To Recognized Bias In Legal Analysis And Language*, 27 SEATTLE U. L. REV. 13 (2003).

This piece explores how law schools, through their legal writing courses, can help students learn to identify cultural bias and how that bias [*28] effects legal analysis and language. The first part of the article argues that law courses and educators should teach students to recognize bias in legal analysis and language. The article also explores how bias usually looks in legal language, as well as how it may taint legal analysis and argument. The author suggests ways of teaching students to recognize bias in a legal writing course. The article concludes by outlining some of the challenges that educators may have in teaching this type of material. Suggestions are also made for how to address some potentially sensitive subjects.

Bryant, Susan. *The Five Habits: Building Cross-Cultural Competence in Lawyers*, 8 CLINICAL L. REV. 33 (2001).

This article sets out five key strategies "The Five Habits" that lawyers can use to increase their cross-cultural competence. The piece uses examples to show how culture impacts a lawyer's decision making, communication, problem solving, and building rapport to demonstrate how important it is for lawyers to learn cross-cultural concepts and skills. The author demonstrates that lawyers who develop these skills increase their cross-cultural competence. The material also provides helpful classroom discussions and exercises which can be used to teach these strategies. The author argues that these exercises will also promote more inclusive classroom discussions while building cross-cultural skills.

Calleros, Charles R. *Training a Diverse Student Body for a Multicultural Society*, 8 LA RAZA L.J. 140 (1995).

This article argues that law school classrooms benefit from educators who frame issues in culturally diverse contexts. The author provides techniques for effective teaching in this manner, and offers advice for managing difficult situations in the classroom when presenting issues in this manner. The article makes reference to the perspectives provided by a group of ten ethnically diverse law students who met with the author to discuss their law school experiences.

Chang, Robert S. & Adrienne D. Davis. *An Epistolary Exchange. Making Up is Hard to Do: Race/Gender/Sexual Orientation in the Law School Classroom*, 33 HARV. J.L. & GENDER 1 (2010).

This powerful article examines race, gender, and sexual orientation in the law school classroom. The authors write about their experiences as a [*29] female African American law professor and as a male Asian American law professor. They ask whether makeup, "gender tools", stereotypes about incompetence, or accents may assist or hinder them in the classroom. The article raises the possibility that bias may taint student evaluations of teaching. The authors critique institutions' failure to respond to such student biases. The authors provide suggestions for change, arguing for employment equity in hiring and educating students about bias, its effects on their professors and on their own learning.

Hartley, Carolyn Copps & Carrie J. Petrucci. *Practicing Culturally Competent Therapeutic Jurisprudence: A Collaboration Between Social Work And Law*, 14 WASH. U. J. L. P. 133 (2004).

This article argues that issues of race are a relevant starting place to help law students become more culturally competent. The authors propose a number of ways that cultural competency can be taught in law schools. The article suggests that cultural competency content should be included throughout the curriculum, and it should give students the opportunity to explore issues of power and oppression in perpetuating institutional racism. It should also allow students to explore their own racial beliefs and biases. Finally, the authors argue that law schools should build in a skill- building

practical component to increase culturally competent interactions. The article is framed in the context of therapeutic jurisprudence.

Imai, Shin. *A Counter-Pedagogy for Social Justice: Core Skills for Community-Based Lawyer*, 9 CLIN. L. REV. 195 (2002).

This article is written to help legal educators teach skills to students that are not traditionally taught in law school. Its focus is on the skills necessary to be an effective clinical or community-based lawyer and for work in the social justice field. The article uses personal teaching experience in a community-lawyering environment to demonstrate that cultural competence and other client-centred skills, including collaboration, understanding identity and race, and other skills need to be taught in the context of substantive areas of the law in order to reinforce the learning process.

Kin, E. Tammy. *Radical Proposals to Reform Legal Pedagogy: Who's Learning What? Toward a Participatory Legal Pedagogy*, 43 HARV. C.R.-C.L. L.REV. 633 (2008).

[*30] This is a short article, written from the personal perspective of the author, which offers a critical view of how women and persons of color can be encouraged to participate in the classroom, and in their legal education. It provides creative suggestions for strategies that law students and their representatives, law faculty and law administrators can help foster a participative legal education environment.

Lopez, Antoinette Sedillo. *Leading Change in Legal Education -- Educating Lawyers and Best Practices: Good News for Diversity*, 31 SEATTLE U. L. REV. 775 (2008).

The author references two new books about improving legal education in the United States. n8 She suggests that some of the practices which they espouse would be particularly welcomed by female law students, and law students of colour, as they provide for a more integrated approach to legal education by providing a variety of learning opportunities. She argues that despite making gains in the number of women and persons of color in law schools, these groups continue to be marginalized, and traditional approaches to legal education tends to discourage their participation in both the classroom and in law school life.

Loreen, Ingrid . *Therapeutic Jurisprudence and the Law School Asylum Clinic*, 17 ST. THOMAS L. REV. 835 (2005).

This article discusses methods that can be used by law school clinics, and particularly, asylum clinics, to introduce students to therapeutic jurisprudence. The aim is to complement the law school curriculum by helping students develop empathy, emotional intelligence, and cross-cultural communication skills, so that students will be better lawyers who provide better service to their clients when they begin to practice law. The author describes her personal experiences working at an asylum clinic, and then sets out an overview of asylum law, a description of asylum applicants, and barriers to student-client communication. She provides a critical assessment of the deficiencies of traditional legal education, and outlines some new ways of improving the clinical experience. She discusses therapeutic jurisprudence [*31] and defines some self-protective strategies which should be taught along with such measures.

--, *Making and Breaking Habits: Teaching (and Learning) Cultural Context, Self-Awareness and Intercultural Communication through Case Supervision in a Client-Service Legal Clinic*, 28 WASH. U. J. L. & POL'Y 37 (2008).

This piece proposes teaching objectives which law professors and clinical supervisors can use to teach students how to effectively represent clients from different cultures. These objectives are intended to change student ways of thinking that impede their communication with clients of other cultures, by teaching students about culture and difference, and improving their skills in working with cultural difference. The author encourages teachers to use well-planned case supervision sessions as an important learning tool, and suggests the stages of supervision where introduction of these ideas would be best received.

Miller, Nelson P. *Beyond Bias -- Cultural Competence as a Lawyer Skill*, 87 MICHIGAN BAR J. 38 (June 2008).

This article provides a short introduction to some essential skills which a lawyer should have with respect to cultural competence. The author states that for lawyers, cultural competence should be more than just avoiding bias. In order to provide excellent service to clients, lawyers need to have special communication and interpersonal skills. The author asserts that such skills can be taught and learned.

--, et. al. *Equality as Talisman: Getting Beyond Bias to Cultural Competence as a Professional Skill*, 25 T.M. COOLEY L. REV. 99 (2008).

This is an opinion piece where the author argues that true equality is a responsibility which lawyers carry out by providing effective intercultural listening, speaking, and service to their clients. Equality should be visible in the demeanors, words, and interactions of lawyers, especially when they are working with minority groups. Professionalism includes cultural competence.

Organick, Aliza G. *Tribal Law and Best Practices in Legal Education: Creating a New Path for the Study of Tribal Law*, 19 KAN. J. L. & PUB. POL'Y 63 (Fall 2009).

[*32] This article chronicles the author's experiences as the clinical legal education professor who created the Tribal Court Practice Clinic at Washburn University School of Law. She talks about how important it is to introduce law students to tribal law and the culture of other local legal systems. She argues that when law students understand the role that culture plays in our own legal system and the legal systems of other communities, this serves both the legal community and clients.

Piomelli, Ascanio. *Cross-Cultural Lawyering by the Book: The Latest Clinical Texts and a Sketch of a Future Agenda*, 4 HASTINGS RACE & POVERTY L.J. 131 (2006).

The intention of this article is to critically assess clinical textbooks which are used to teach students about cultural competence. The first part of the article reviews current textbooks and highlights their strengths, weaknesses and focus. It also sets out some standards by which these texts can be judged. The author argues that the primary approach to this subject matter should be one which encourages students to pay attention to cultural influences when they are attempting to gain an understanding of their client; focusing on a few cultural "rules of thumb" is not the best approach. The second part of the article explores areas which the author assesses as areas of weakness in the teaching materials, including socioeconomic class and its cultural manifestations, the latest studies on subconscious social attitudes, and the pitfalls of lawyers' professional socialization which may increase their stereotypes towards low-income and working class people.

Reynoso, Cruz & Cory Amron. *Diversity in Legal Education: A Broader View, A Deeper Commitment*, 52 J. LEGAL EDUC. 491 (2002).

This article critically examines the lack of progress by United States law schools towards their stated goals of increasing diversity among their law students and creating a welcoming environment for students from a wide variety of backgrounds. The article begins with the premise that there is room for improvement in this area. The authors explore this lack of success, and then present some concrete suggestions, including strategies used by some schools for improving institutional policies. In particular, the article explores such areas as: conditional admissions programs, alternative admissions strategies, and outreach programs. The authors then take some time to emphasize that it is not enough to merely get students through the doors, but it is also important to keep them there by crafting and [*33] implementing curricula which integrates a variety of ideas and learning approaches.

Silver, Marjorie. *Emotional Competence, Multicultural Lawyering and Race*, 3 FLA. COASTAL L. J. 219 (2002).

The author of this article advocates that lawyers must develop an understanding of the client's experiences and perceptions in order to represent clients of a different race or ethnicity. The author shows that part of the process of developing such an understanding is for the lawyer to develop a conscious awareness of their own perspectives on race and other differences. A self-examination is necessary to discover the lawyer's own biases.

Torrey, Morrison. *Radical Proposals to Reform Legal Pedagogy: Actually Begin to Satisfy ABA Standards 211 (a) and 212 (a): Eliminate Race and Sex Bias in Legal Education*, 43 HARV. C.R.-C.L. L. REV. 615 (2008).

This author begins by a discussion of the ABA Standards 211 (a) and 212 (a) which seek to eliminate race and sex bias in legal education. She examines the lack of success in achieving these aims thus far. She then explores the racial and other biases which pervade legal education, and then recommends concrete actions for reaching the goals set out by the ABA.

Valdes, Francisco. *Outsider Jurisprudence, Critical Pedagogy and Social Justice Activism: Marking the Stirrings of Critical Legal Education*, 10 ASIAN L.J. 65 (2003).

This article is an introduction to the Tenth Anniversary Issue of the ASIAN LAW JOURNAL. The article provides broad descriptions of the remaining contents of the issue, which are syllabi from courses that have been offered in U.S. law schools on Asian Americans and the Law. The author focuses on furthering the development of critical legal education curriculum in the confines of traditional law schools. The article reviews the history and collective memory of LatCrit and OutCrit scholars in furthering critical legal education.

Ward, Cynthia M. & Nelson P. Miller. *The Role of Law Schools in Shaping Culturally Competent Lawyers*, 89 MICH. BAR J. 16 (January 2010).

The authors argue that law schools should play an integral role in teaching students cultural competence. The article begins by outlining the [*34] changing demographics of the United States. It uses this demographic information combined with a lawyer's professional obligations to conclude that, in today's society, cultural competence is a key competency of a legal professional. They then conclude that accordingly, law schools have a responsibility to teach it.

Weng, Carwina. *Multicultural Lawyering: Teaching Psychology to Develop Cultural Self-Awareness*, 11 Clinical L. Rev. 369 (2005).

This article proposes a framework in which to teach law students to develop self awareness, as a first step toward developing multicultural lawyering competence. The framework operates as both a conceptual underpinning and as a means to lawyer with multicultural competence, but the article itself focuses on concepts over practice. The article first reviews the development of client-centered lawyering and the recognition that dominant models of lawyering may unintentionally discriminate against indigent clients by labeling behaviors common to them as difficult and atypical. Part two considers the development of more inclusive models of lawyering based on developments in psychotherapy and social work education. Part three describes cognitive and social psychology relevant to multicultural lawyering. Finally, Part four uses the lessons of this psychology to develop a framework for teaching students to develop cultural self-awareness.

Cultural Competence and the Legal Profession

Books and Book Chapters

Brett, Jeanne M. *NEGOTIATING GLOBALLY: HOW TO NEGOTIATE DEALS, RESOLVE DISPUTES AND MAKE DECISIONS ACROSS CULTURAL BOUNDARIES* (2nd ed Jossey-Bass 2007).

This book starts from the premise that cultural awareness is crucial to success in 21st century business. It is intended as a reference work to assist managers in negotiating, making deals, resolving disputes, and making decisions involving different cultures. It is intended to help business persons build awareness of the impact of culture on all aspects of negotiation including when and how to negotiate, negotiation strategies and negotiation outcomes and priorities. This book builds managers' awareness of how to anticipate and manage cultural differences. Working in multicultural teams is also emphasized. It also provides chapters on negotiating with different [*35] governments from around the world, how to develop a negotiation planning document.

Barrett, Kimberly Holt & William H. George (eds.) *RACE, CULTURE, PSYCHOLOGY AND LAW* (Sage 2005).

This book is written about law and society in the United States. It provides a series of essays which flesh out situations in the legal system in which race and culture have an impact, such as domestic violence, immigration, cross-cultural lawyering, cultural competence in the administration of justice, racial profiling, capital punishment, deportation, incarceration and more. It provides descriptions and examinations of culturally competent psychological and social services that operate in the United States, as well as guidelines, case examples and practice standards that will be useful to professionals in psychology and law to help them become more culturally competent in their practice.

Grillo, Ralph et al (eds). *LEGAL PRACTICE AND CULTURAL DIVERSITY* (Ashgate 2009).

This book presents a collection of essays dealing with Western Europe, and in particular, Britain, France, Germany and the Netherlands, together with some accounts from North America. It employs theoretical and comparative approaches to focus on current practice within the courts and in public discussion about cultural diversity in the legal context. The chapters are written by anthropologists, political scientists and legal specialists. These pieces examine how

changing demographics are challenging legal practice, how lawyers and the legal system have responded and how the practice of law is evolving in response.

Multicultural Lawyering in Krieger, Stefan H. & Richard K. Neumann, Jr. ESSENTIAL LAWYERING SKILLS: INTERVIEWING, COUNSELING, NEGOTIATION AND PERSUASIVE FACT ANALYSIS 50, (3d ed. Aspen Publishers 2007).

This comprehensive textbook teaches law students how to interview clients, counsel clients, how to negotiate and how to analyze the facts of a case for use in advocacy. It is presented in the context of a lawyer's professional obligations. The 2007 (3rd edition) of this book includes a chapter on providing legal services to persons from different cultures. This chapter begins with an analysis of how culture impacts on the day to day practice of a legal professional. It fleshes out how cultural differences [*36] between the lawyer and the client can impact on the service provided. This section also tells students why they need to be aware of the impact of culture on the work they do as lawyers, details the risks involved when stereotyping, and then charts a course by which students can learn skills which will help them to be successful in overcoming cultural differences when working with others. A final section analyzes whether men and women practice law differently.

Representing the Child-in-Context: Five Habits of Cross-Cultural Lawyering in Jean Koh Peters. REPRESENTING CHILDREN IN CHILD PROTECTIVE PROCEEDINGS: ETHICAL AND PRACTICAL DIMENSIONS 241-327, (3d. ed., LexisNexis 2007).

Chapter 6 in this text provides practicing lawyers with a system of habits that they can develop which help them to be more culturally aware when working with individual clients in five distinct areas: assessing differences between lawyer and client; creating an overview of the case which integrates the client's, the lawyer's and the law's cultural understandings; understanding, in a non-judgmental way, the client's behaviour in their particular cultural context; improving communication; and continuous improvement and learning. This chapter is intended to help lawyers develop habits that are already used daily by culturally-competent lawyers, and particularly in the context of working with children.

Silkenat, James R. THE ABA GUIDE TO INTERNATIONAL BUSINESS NEGOTIATIONS: A COMPARISON OF CROSS-CULTURAL ISSUES AND SUCCESSFUL APPROACHES (2d. ed., Section of Law Practice Management, American Bar Association 2000).

This book is written primarily for American lawyers who intend to conduct business or engage in negotiations with a business which is located in another country. It will be useful for most lawyers and businesses. Introductory chapters, written by experienced lawyers and experts, provide valuable perspectives on an array of topics including: the role of the internet in shaping our legal and social landscape in the 21st century; a guide to preparing for international business negotiations; negotiating international sales over the internet; the many factors that contribute to cross-cultural awareness; a checklist for lawyers who will be advising their clients with respect to international business negotiations; effective conflict management [*37] strategies in cross-cultural environments; multi-national negotiations and much more.

This book contains several "country" chapters. These chapters provide generalizations about the social and cultural factors which may impact on negotiations in a particular country. Each of these chapters is written by lawyers from the country being discussed. These chapters usually contain: a brief description of the country, its cultures and demographics; its economic strengths; its governmental structure and influences; the country's legal system and business law landscape; any particular social, cultural, or interpersonal factors which may impact on negotiations with businesses from that country; observations about the role of lawyers in the society and in the negotiation process, and much more. The following countries / regions have a dedicated chapter in this book, or significant mention: "Arab countries", Argentina, Australia, Belgium, Bermuda, Brazil, Canada, Chile, People's Republic of China, Czech Republic; the European Union, "the former Soviet Union", France, Germany, Hong Kong, India, Ireland, Italy, Japan, Korea, Kosovo, Netherlands, Pakistan, Poland, Russia, Singapore, Spain, Sweden, Taiwan, United Kingdom.

Articles

Ahmad, Muneer I. *Interpreting Communities: Lawyering Across Language Difference*, 54 UCLA L. REV. 999 (2007).

This article is presented in the context of poverty-law work involving persons for whom English is a second language, and for whom an interpreter is necessary to access the legal system. The author begins with a review of demo-

graphic changes in the United States which have led to increasing diversity in the population. The author argues that scholars have not yet delved into the area of how poverty law practitioners can improve services to persons for whom English is a second language. The authors argue that the client-centred practice model does not adequately address how to provide excellent services to clients when an interpreter is required to interface between the lawyer and client. The article explores the role of interpreters in the provision of legal services, and argues for a more collaborative relationship between lawyers, client and interpreters. The authors argue that these "community interpreting" practices will help lawyers work better with third parties in a culturally appropriate manner to help clients in a poverty law setting achieve the outcomes they desire. [*38] An, Giyang. *Enhancing The Effectiveness Of Mediation In Korean-American Family Disputes: Cultural Sensitivity Training For Mediators And Co-Mediation Teams* (2010) 11 CARDOZO J. CONFLICT RESOL. 557.

This article addresses the unique needs of Korean-Americans in the U.S. legal system, in the context of family violence and family disputes within current conflict-resolution models. It addresses the role of first-generation women who embrace traditional gender and family roles in Korean-American families and how culture and community values impact on family dispute resolution. The intent of the article is to advocate for a modified approach to mediating family disputes in Korean-American families.

Blasi, Gary. *Advocacy Against the Stereotype: Lessons from Cognitive Social Psychology*, 49 UCLA L. REV. 1241 (2002).

This author provides a detailed analysis of scholarly research from the discipline of cognitive social psychology to educate the legal profession about how stereotypes and prejudice are imbued in advocacy, legal practice and judicial decision making. The author argues that knowledge about the science of stereotypes and prejudice can help lawyers to be better advocates.

Cruz, Evelyn H. *Validation Through Other Means: How Immigration Clinics Can Give Immigrants A Voice When Bureaucracy Has Left Them Speechless*, 17 ST. THOMAS L.REV. 811 (2005).

The focus of this article is to teach immigration lawyers skills and approaches that they can employ to improve the experience of their clients. The article begins with an assessment of how immigration bureaucracy creates an environment whereby immigrants are left feeling that they have been left out of the process, that they have not been respected, and that the immigration system itself is not trustworthy. The author argues that immigration lawyers must employ therapeutic jurisprudence principles to increase their client's understanding of the process that they are going through and to ensure that the client's voice is heard throughout the process. This will help lawyers in a variety of administrative settings, and will increase the client's satisfaction with the outcome.

Day, David F. *International ADR Skills and Executive Decision-Making*, 9 HAWAII B. J. 5 (Sept. 2005).

[*39] The purpose of this article is to explain and to emphasize the usefulness of international alternative dispute resolution skills in legal practice. The article explores how international ADR skills can be used to enhance decision-making and risk management in cross-border dealings and dealings where cultural differences arise. The author argues that any lawyer who wishes to build a practice in the international arena must also acquire international ADR skills as part of their learning process.

Holdman, Scharlette & Christopher Seeds. *Cultural Competence in Capital Mitigation*, 36 HOFSTRA L. REV. 883 (2008).

This article is written specifically to address the situation of United States lawyers working on "capital defense teams" - lawyers who are working to defend a client who is facing the death penalty. They are written to supplement and flesh out the cultural competence aspects of the ABA's SUPPLEMENTARY GUIDELINES FOR THE MITIGATION FUNCTION OF DEFENSE TEAMS IN DEATH PENALTY CASES. The authors argue that an important part of a capital mitigation team's strategy is to create a narrative which helps the court understand the client's life, situation and perspectives. This article introduces the idea of cultural competence, emphasizing that, as part of the process of producing this narrative about the client's life, lawyers must listen to the client in a culturally sensitive manner so as to be able to articulate the client's particular cultural perspectives. The authors argue that having knowledge of a convicted person's particular developmental, cultural, familial and community influences can help the courts to render better sentencing decisions. The authors conclude by applauding the Supplementary Guidelines as an important cultural competence standard for the legal profession.

Hughes, Theresa. *The Neglect of Children and Culture: Responding to Child Maltreatment with Cultural Competence and a Review of Child Abuse and Culture: Working with Diverse Families*, 44 FAM. CT. REV. 501 (2006).

This article argues that cultural competence is a necessary skill in child protection proceedings. It begins with a review of changing demographics in the United States, arguing that the cultural competency as a requisite skill of lawyers has not kept pace with these changes. The author reflects on conflicting child-rearing belief systems that child protection lawyers may encounter when doing this type of work and provides suggestions for how lawyers can provide appropriate services, counseling and representation appropriate to their particular cultural, ethnic and racial backgrounds.

[*40] Mah, Liwen. *The Legal Profession Faces New Faces: How Lawyers' Professional Norms Should Change to Serve a Changing American Population*, 93 CAL. L. REV. 1721 (2005).

The authors of this article argue that changing demographics in the United States should be acknowledged by lawyer's professional associations, and used to inform the evolution of the U.S. Model Rules of Professional Conduct so as to require cultural competence as an essential competency and ethical requirement for practicing lawyers. The author begins with a detailed exploration of the reasons why, in particular, Asians and Latinos continue to live by group norms defined by their culture after entering American society, and why they continue to define some into the second and third generation. The author argues that these norms can be more authoritative than laws, and that they also create differences in how the lawyer and client each perceive notions of confidentiality, neutrality, and individualism. The author on this basis critically assesses certain sections of the Model Rules of Professional Conduct and makes suggestions for how they can be evolved to help lawyers build trust with clients from different backgrounds than their own. The author concludes by reviewing the benefits to the profession, to the Asian and Latino communities, and to the United States generally, if the bar association were to move in this direction.

Morales, Teresa B. & Nathaniel B. Wong. *Attorneys Who Interpret for Their Clients: Communication, Conflict, and Confusion -- How Texas Courts Have Placed Attorneys and Their L.E.P. Clients at the Discretion of the Trial Court*, 37 ST. MARY'S L.J. 1123 (2006).

This article explored the dilemmas presented by the Texas courts' approach which allows lawyers to act as interpreters in proceedings there. The article emphasizes the lawyer's professional obligations and makes some suggestions for how lawyers can appropriately represent clients with limited English proficiency.

Pearce, Russell G. *White Lawyering: Rethinking Race, Lawyer Identity, and Rule of Law*, 73 FORDHAM L. REV. 2081 (2005).

The authors of this article argue that the current professional norms of the predominantly white legal profession, which erase race and treat whiteness as a baseline rather than as a racial identity, undermines lawyers' ability to represent their clients and to promote the rule of law. The author [*41] argues that competence in dealing with racial matters is a necessary lawyering skill.

Taylor-Thompson, Kim. *Girl Talk -- Examining Racial and Gender Lines in Juvenile Justice*, 6 NEV. L.J. 1137 (2006).

This article critically assesses the situation of female youth of colour in the United States justice system, arguing that this demographic's interaction with the justice system and conviction rates have markedly increased for a variety of complex reasons. The author argues that more attention needs to be given to this issue in legal scholarship and practice.

Tremblay, Paul R. *Interviewing and Counseling Across Cultures: Heuristics and Biases*, 9 CLINICAL L. REV. 373 (2002).

This article focuses on how practicing lawyers can develop essential cross-cultural awareness skills in their practice, with a focus on client interviewing and counseling. The article espouses taking the approach of "informed not-knowing" or "disciplined naivete" to help practitioners maintain a balance between being cognizant of possible cultural differences and being aware of their own inherent biases.

Voyvodic, Rose. *Lawyers Meet Social Context: Understanding Cultural Competence*, 84 CAN. BAR REV. 563 (2006).

The author of this paper argues that cultural competence is a skill necessary for today's Canadian lawyers as one way of improving access to justice in society. She explores three key notions. First, that lawyers should build an aware-

ness in themselves that human beings are prone to stereotyping. Second, that lawyers need to have a good understanding of how stereotypes and bias are harmful in our interactions. The article then identifies skills necessary to help lawyers improve their interactions with persons from different cultures.

--, *'Change is Pain': Ethical Legal Discourse and Cultural Competence*, 8 LEGAL ETHICS 55 (2005).

This article argues that cultural competence needs to be developed as a professional norm for lawyers. It reviews how the Canadian legal profession has changed over time as a result of demands for greater diversity and gender and racial equality. The article also argues that reflective practice can be used [*42] as part of these efforts to evolve the culture of the legal profession. In particular, the article argues that principles of independence, the adversarial system, the duty of public service and self-regulating aspects of the profession all need to evolve to incorporate these norms.

Cultural Competence and the Judiciary

Books

Foblets, Marie-Claire & Alison Dundes Renteln, eds. *MULTICULTURAL JURISPRUDENCE: COMPARATIVE PERSPECTIVES ON THE CULTURAL DEFENSE* (Oxford: Hart Publishing, 2009).

This surprisingly comprehensive work tells the story of jurisprudence across the globe which demonstrates the difficulties that arise when judges are attempting to resolve disputes where culture is a factor. This book has a focus on criminal law, with essays that also talk about asylum law, family law and housing policy. The work includes chapters on common law, criminality, critical assessments of the use of the cultural defense, outcomes in Spain, Australia, Netherlands, South Africa, Romania, Germany, Canada and in the United States. This book clearly demonstrates that judges now must have a great deal of cultural expertise to make these determinations, however they don't always have the tools and training necessary.

Connolly, Anthony J. *CULTURAL DIFFERENCE ON TRIAL: THE NATURE AND LIMITS OF JUDICIAL UNDERSTANDING* (Ashgate, 2010).

The purpose of this book is to explore the capacity of judges to understand cultural differences which are the subject of legal claims for recognition and protection of those differences. It is framed in the larger context of whether the state and its actors incorporate cultural understanding into the decision making system. The book begins by providing some theoretical underpinnings regarding culturally different action. It then sets out a case study involving an aboriginal land claims case and its determination. A chapter is devoted to judicial understanding of culturally different actions, and another on judicial interpretation of evidence. The book ends by contemplating the implications of cultural understanding for law reform generally.

Presentations

[*43] McLachlin, The Right Honourable Justice Beverley. *Judges in a Multi-Cultural Society*, in DVD *1st Colloquia on the Legal Profession held in London, Ontario, October 20, 2003* (Faculty of Law, University of Western Ontario 2003). Online at: http://www.lsuc.on.ca/media/mclachlinjudges_multicultural_society.pdf

This presentation by the Right Honourable Justice Beverley McLachlin illustrates the ways in which the law, and in particular, judges, can help to address three challenges presented in a multicultural society. She explains that judges have a role to play in addressing the challenges of inter-group tension, decision-making and national identity. She discusses three main themes in this work: 1) challenges facing a multicultural society and the role of the courts; 2) shared morality as articulated in the constitution; and 3) the how judges can do their job effectively in a multicultural society.

Cultural Competence Books for Business and Other Professions

Acuff, Frank. *How TO NEGOTIATE ANYTHING WITH ANYONE ANYWHERE AROUND THE WORLD* (3d. ed., American Management Association, 2008).

This book is intended as a quick reference guide for business persons who negotiate. It begins with some general discussion about effective negotiations generally. It then moves through, chapter by chapter, various countries and re-

gions around the world, providing basic generalized cultural advice for how to conduct effective negotiations in each region.

Ang, Soon & Linn Van Dyne (eds.) *HANDBOOK OF CULTURAL INTELLIGENCE: THEORY, MEASUREMENT AND APPLICATIONS* (M.E. Sharpe, 2008).

This book incorporates chapters from scholars across the globe. It provides users with a summary of the science behind cultural intelligence as applied in an international, cross-cultural and in a domestic management setting. This book doesn't focus on quick tips and tricks, but rather emphasizes specific skills and characteristics that effective cross-cultural communicators display, regardless of the setting. The book also helps users to define and assess cultural intelligence.

Axtell, Roger. *ESSENTIAL DO'S AND TABOOS: THE COMPLETE GUIDE TO INTERNATIONAL BUSINESS AND LEISURE TRAVEL* (Wiley 2007).

[*44] This book is written as a series of narratives and presented from the perspective of a well-travelled American business person. It is written in the business context but could also be useful for travelers generally. It is interesting, informative, well-researched but not comprehensive, and it does not claim to be comprehensive. It provides generalizations about how to avoid misunderstandings by embracing cultural practices or avoiding mis-steps while travelling. The book repeatedly warns that generalizations about culture can be dangerous; that cultural practices can vary by region when visiting a country, and it advises the reader to be cautious in this regard. The book is organized by topics, including: gestures and body language; general protocol; hosting international visitors; using English around the world; things for women to know when traveling; using the internet; preparing for travel. It also provides special chapters for: Canada, Mexico, Japan, China, Germany, France, Italy, Brazil, Russia, India and the United Kingdom.

Morrison, Terri & Wayne A. Conaway. *KISS, BOW, OR SHAKE HANDS: THE BESTSELLING GUIDE TO DOING BUSINESS IN MORE THAN 60 COUNTRIES* (2d. ed., Adams Media, 2006).

This book is intended as a quick reference guide for persons engaged in global business. It provides basic generalized background information for 60 countries including: business tips for working in the country, information to orient users to particular cultural practices in the country, travel information, greetings and forms of address, and other conventions and protocols, business practices, tips for avoiding common misunderstandings, key phrases in local languages, official holidays and other practices.

Peterson, Brooks. *CULTURAL INTELLIGENCE: A GUIDE TO WORKING WITH PEOPLE FROM OTHER CULTURES* (Intercultural Press, 2004).

Set in a practical and informal context, this text helps readers determine the cultural style of both themselves and others in six areas including management, strategy, planning, personnel, communication and reasoning by using 20 business oriented dimensions. It provides stories, examples and cartoons to illustrate cross-cultural differences. It describes the skills and qualities necessary for overcoming cultural differences, working in international business contexts, improving communication in the workplace or in teams, departments or organizations. Action steps for improving the reader's own cultural awareness are also provided.

[*45] Rothman, Juliet Cassuto. *CULTURAL COMPETENCE IN PROCESS AND PRACTICE: BUILDING BRIDGES* (Pearson/Allyn and Bacon, 2008).

This text is written for social work students. The text begins by defining cultural competence and what it means for social workers as professionals. It then explains how groups form identities. A chapter is provided which discusses power, vulnerability, oppression and entitlement in society and among groups. It sets out theoretical frameworks and practice models that have been developed with respect to cultural competence in social work practice. The textbook then explores key skills such as engagement, advocacy, trust-building and communication in context, and explores cultural competence in a practical context. The book emphasizes knowledge-building when learning about a specific cultural group. The second part of the book is written by experts who articulate what cultural competence means when working with persons who identify with specific racial groups, sexual orientations and gender, persons with disabilities, persons from specific age groups, persons from certain socio-economic groups and more. The book is accompanied by a workbook with practice exercises.

Solomon, Charlene Marmer. *MANAGING ACROSS CULTURES: THE SEVEN KEYS TO DOING BUSINESS WITH A GLOBAL MINDSET* (New York: McGraw-Hill, 2009).

Thomas, David C. *CULTURAL INTELLIGENCE: PEOPLE SKILLS FOR GLOBAL BUSINESS* (San Francisco, CA: Berrett-Koehler, 2003).

This book is set in a practical context intended for business. It begins with a narrative providing real-world examples of how cultural faux-pas and savvy can and do affect the bottom line. It provides an introduction to the global nature of business and how this influence has changed over time. Definitions are explored for what it means to manage across cultures and what the author means by "global mindset". The author's definition of culture is presented. The majority of the book is focused on the author's "seven keys" to managing across cultures, including cultural conceptions of: hierarchy and egalitarianism, group focus, relationships, communication styles, time orientation, tolerance for change and notions of motivation and work life balance.

The author then goes on to explore what is involved in doing business with a global mindset, exploring business themes in cultural context including: creating effective global teams, working with persons from diverse backgrounds, effective leadership, managing talent including hiring, training [*46] and retaining good employees, and advice for women when working in different cultural settings.

General Works on Teaching Cultural Competence

Books

Dana, Richard H. *CULTURAL COMPETENCY TRAINING IN A GLOBAL SOCIETY* (Springer 2008).

This book is written for students in the field of mental health as well as professionals and practitioners. It describes a comprehensive training model that can be used in professional education and practice in the United States for understanding cultural aspects of mental health work including in a clinical setting, in a counseling setting and in schools.

Teel, Karen Manheim. *BUILDING RACIAL AND CULTURAL COMPETENCE IN THE CLASSROOM: STRATEGIES FROM URBAN EDUCATORS* (Teachers College Press, 2008).

This textbook is written to help teachers and policy makers understand how cultural competence is necessary and achievable in the United States public school system.

Indigenous Peoples, Legal Education and Legal Practice

Articles

Cruz, Christine Zuni. *Toward a Pedagogy and Ethic of Law/Lawyering for Indigenous Peoples*, 82 N.D. L. REV. 863 (2006).

This article describes an emerging pedagogy which is designed to teach indigenous students about the law in a clinical setting and the author explores how indigenous perspectives can be incorporated into this teaching. The author presents arguments about the important role that academics can play in developing new lawyers, acting within tribal court systems, on behalf of tribes or individuals or working as judges. The article also explores how the indigenous legal tradition should inform how lawyers are educated about working with indigenous peoples. The author argues that students should be exposed to the indigenous legal tradition to contrast it with traditional [*47] education about Indian law. Finally, the article advocates for an understanding of "literacies of power" to be incorporated as part of a student's professional training.

Kowalski, Tonya. *The Forgotten Sovereigns*, 36 FLA. ST. U. L. REV. 765 (2009).

This article argues that law schools in the United States do not do enough to teach law students about the tribal law system, which incorporates federally recognized American Indian nations and their sovereign lands, governments, court systems and the interplay of these with the state and federal legal systems. The author argues that knowledge of these systems should be introduced systematically across the curriculum, and she presents ideas for how this might be

achieved. She argues that this is an important part of furthering the social justice mission of law schools in creating strong awareness of this system in new lawyers entering practice.

Serving Persons with Mental Illness

Articles

Keys, Jennifer M. *When They Need Us Most: The Unaddressed Crisis of Mentally Ill African American Children in the Juvenile Justice System*, 2 DEPAUL J. FOR SOC. JUST. 289 (2009).

This article discusses how the lack of appropriate care for mental illness in African American Children results in their overrepresentation in the American justice system. The article begins with an exploration of statistics about the overrepresentation of African American children in the juvenile justice system. The causes of this are explored. A segment of this article details how mentally ill children are not served by detention and how the needs of mentally ill children are left largely unaddressed in the current US system. The article then goes on to explore statistics about the prevalence of mental illness in African Americans, why mental health professionals tend to under diagnose or misdiagnose African Americans, why treatment options tend to be limited for this group, as reflective of differing health care access generally. The article concludes with providing concrete solutions to address mental health issues of detained African American children.

[*48] Perlin, Michael L. & Valerie McClain. *'Where Souls are Forgotten': Cultural Competencies, Forensic Evaluations and International Human Rights*, 15 PSYCHOL. PUB. POL'Y L 257 (2009).

This article is written with a focus on forensic evaluations of mental illness and evidentiary matters in a criminal context. It argues that mental health expert witnesses must have well-developed cultural competence in order to provide useful testimony in a criminal trial. Their relative cultural competence in interviewing the defendant and selecting appropriate tests can enhance result validity and allows a forensic examiner to provide a comprehensive understanding of the defendant to a judge. The authors argue that although cultural competence is seen as relevant in death penalty cases, it is equally important in all stages of a criminal process. They introduce the United Nations Convention on the Rights of Persons with Disabilities as having created a further necessity for cultural competence in mental health expert witnesses to inform criminal matters involving defendants with mental illness. The article provides suggestions for strategies and tactics that can be employed in interviewing witnesses in this context.

Suzuki, Carol M. *When Something is Not Quite Right: Considerations for Advising A Client to Seek Mental Health Treatment*, 6 HASTINGS RACE & POVERTY L.J. 209 (2009).

This author argues that lawyers should consider advising clients to seek counseling if the lawyer has concerns about a client's mental health. The author explores this issue and the professional and ethical obligations involved for lawyers.

Suzuki, Carol M. *Unpacking Pandora's Box: Innovative Techniques for Effectively Counseling Asylum Applicants Suffering from Post-Traumatic Stress Disorder*, 4 HASTINGS RACE & POVERTY L.J. 235 (2007).

The subject of this article, the effects of PTSD and the ability of an individual to give a credible account of an event, is applicable to legal issues beyond asylum. The counseling techniques I offer may be used by professionals who work in multidisciplinary settings, including lawyers, domestic violence counselors, and mental health expert witnesses. This article addresses how PTSD alters an asylum applicant's detail and consistency of memory, thus affecting the applicant's credibility and chance of being granted asylum. In response to the effects of PTSD, this article offers innovative techniques for interviewing and counseling a client suffering from PTSD in [*49] order to increase an applicant's chance of being granted asylum. Part I discusses U.S. asylum law and its origins in international law, and explains the asylum process and the myriad obstacles applicants with PTSD face in regard to credibility determinations. Part II defines PTSD and its role within the context of asylum law, relates PTSD in asylum applicants to existing research on other trauma survivors, and explains how PTSD may affect an asylum applicant's memory. Finally, Part III offers effective techniques an attorney may use when working with an asylum applicant suffering from PTSD in order to assist him in telling a consistent, detailed, and therefore credible, story of his persecution.

Serving Clients With Special Education Needs

Massey, Patricia A. and Rosenbaum, Stephen A. *Disability Matters: Toward a Law School Clinical Model for Serving Youth With Special Education Needs*, 11 CLINICAL L. REV. 271 (2005).

This article explores the concept that law school clinics can teach law students about disabilities and build unique skills in new lawyers by helping parents from marginalized groups enforce their children's rights under the US Individuals with Disabilities Education Act. If law clinics were to take on this role, they could remedy a gap in legal services for young people with special education needs, while developing special skills in the law students who serve them. The author provides examples from law school clinics who are working in this area as the basis for discussion.

Serving Gay, Lesbian, Bisexual or Transgender Clients

Articles

Grose, Carolyn. *A Persistent Critique: Constructing Clients' Stories*, 12 CLINICAL L. REV. 329 (2006).

This article addresses the question of how lawyers can properly represent transgender people.

The author argues that the legal system's reliance on medicine and science, rather than self-identification, to decide on the identity of transgender parties operates as a tool for oppression. The author emphasizes that lawyers are storytellers who represent clients, so lawyers must reflect on how their own worldview and assumptions may impact on their ability to see and hear [*50] their clients. If the lawyer is unable to see and hear their client, then they are unable to represent them. The article examines actual cases where law students and lawyers were able to see, hear and represent their transgender clients. The article finishes by asking what other worldviews and assumptions lawyers bring to the table which may interfere with their ability to identify with and represent their clients.

Report of the Working Group on the Role of Sex and Sexuality, 6 NEV. L.J. 642 (2006).

This article presents some recommendations for lawyers who work with children can build their own awareness and skills to help them work with, protect and advocate on behalf of children in a non-discriminatory, culturally competent manner which is sensitive to each child's gender, sexual orientation and gender identity.

FOOTNOTES:

n1 Moulton, Donalee. *Cultural Training is Increasingly Vital for Global Lawyers*, Lawyer's Weekly (online edition). (2007). <http://www.lawyersweekly.ca/index.php?-section=article&articleid=513>

n2 Confidential interview with an international negotiator in a Fortune 500 company. As cited in James R. Silkenat, THE ABA GUIDE TO INTERNATIONAL BUSINESS NEGOTIATIONS: A COMPARISON OF CROSS-CULTURAL ISSUES AND SUCCESSFUL APPROACHES 113 (2d. ed., Section of Law Practice Management, American Bar Association 2000).

n3 Sue, D. W., & Torino, G. C. *Racial-- Cultural Competence: Awareness, Knowledge, and Skills*, in *Handbook of Racial--Cultural Psychology and Counseling*. Vol. 2. *Training and Practice* 3 at 8, (R. T. Carter ed., Wiley 2005).

n4 The Law Society of Upper Canada. *Rules of Professional Conduct, Adopted by Convocation June 22, 2000, amendments current to January 2009* (The Society 2009). Rule 2.01.

n5 See for example: Marie-Claire Foblets and Alison Dundes Renteln. MULTICULTURAL JURISPRUDENCE COMPARATIVE PERSPECTIVES ON THE CULTURAL DEFENSE. (Hart Publishing 2009); and, Alison Dundes Renteln, THE CULTURAL DEFENSE (Oxford University Press 2004).

n6 This bibliography also does not include the plethora of articles written in the United States debating law school affirmative action programs.

n7 REPORT ON THE TASK FORCE ON LAW SCHOOLS AND THE PROFESSION: NARROWING THE GAP (ABA Section of Legal Educ. And Admissions to the Bar, 1992); Roy Stuckey et al., BEST PRACTICES FOR LEGAL EDUCATION: A VISION AND A ROAD MAP (Clinical Legal Education Association, 2007) available at http://www.law.sc.edu/faculty/stuckey/-best_practices/best_practices-full.pdf; and *Sullivan*, *supra* note 1.

n8 Sullivan, William M. EDUCATING LAWYERS: PREPARATION FOR THE PROFESSION OF LAW (San Francisco: Jossey-Bass / John Wiley & Sons, Inc., 2007); and, Stuckey, Roy T. BEST PRACTICES FOR LEGAL EDUCATION: A VISION AND A ROAD MAP (New York: Clinical Legal Education Association, 2007).

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